



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lewis T. Donzis et al.

§ Group Art Unit: 2664

Serial No.: 09/668,786

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Filed: September 22, 2000

For: Modifying Message Size Indications
In Communications Over Data
Networks

§ Examiner: John Shew

§ Atty. Dkt. No.: 12154RXUS02U
(NRB.0005US)

Mail Stop Issue Fee

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Dear Sir:

The Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b) provided with the Notice of Allowance is incorrect. The Determination specified that the Patent Term Adjustment to date is 681 days. The correct Patent Term Adjustment to date should be 1,032 days.

(A) Under § 1.703(a)(1), Applicant is entitled to the following adjustment because the Patent Office mailed an Office Action (dated March 11, 2004) after 14 months from the date of filing of the application: 840 days.

(B) In response to the Office Action mailed March 11, 2004, Applicant submitted a Reply to Office Action mailed pursuant to 37 C.F.R. § 1.8(a) on June 8, 2004 and received by the Patent Office on June 14, 2004. See Appendix A (date stamped postcard).

The original copy of the Reply was misplaced by the Patent Office, which necessitated the re-submission of a duplicate of the Reply on December 7, 2004. The date of receipt of the Reply that is responsive to the Office Action of March 11, 2004, should be June 14, 2004 (the

Date of Deposit: July 21, 2005

I hereby certify under 37 C.F.R. 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Ginger Yount
Ginger Yount

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original date of receipt by the Patent Office). *See* M.P.E.P. § 2733 (8th ed., Rev. 2), at 2700-23 (“[I]f an original paper is misplaced by the Office and a duplicate is filed with a post-card receipt showing the date of receipt of the original paper, the date shown on the post-card receipt for the original paper is the date that should be shown on the Office computer records.”).

Under § 1.702(a)(2), Applicant is entitled to the following additional patent term adjustment because the Patent Office responded (Notice of Allowance dated April 27, 2005) to Applicant’s Reply to Office Action more than four (4) months after the date of the Reply to Office Action: 195 days.

(C) Under § 1.704(b), due to receipt of the Reply by the Patent Office three days after the date that is three months from the Office Action of March 11, 2004, the patent term adjustment is reduced by three (3) days.

Therefore, the correct Patent Term Adjustment to date should be 1,032 days (840 days - 3 days + 195 days).

This application is not subject to a terminal disclaimer. The fee set forth in § 1.18(e) is enclosed. The Commissioner is authorized to charge any required fee or credit any overpayment to Deposit Account No. 20-1504 (NRB.0005US).

Respectfully submitted,

Date:

July 15, 2005



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RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: NRB.0005US (12154RXUS02U)
Date: June 8, 2004

DCH/dlt

The Patent and Trademark Office date stamp sets forth the receipt date of the following documents in the below referenced patent application identified as follows:

Applicant(s): LEWIS T. DONZIS ET AL.
Serial No.: 09/668,786
Filing Date: September 22, 2000
Title: MODIFYING MESSAGE SIZE INDICATION IN COMMUNICATIONS OVER DATA NETWORKS

1. Amendment Transmittal (in duplicate);
2. Reply to Office Action Dated March 11, 2004;
3. Check for \$54.00; and
4. Postcard.



R E C E I V E D
JUN 18 2004

Trop. Pruner, & Hu P.C.